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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/435,774 | MATSUGU ET AL. | |
| | Examiner | Art Unit | |
| | Jacqueline Wilson | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 05/02/05.
2. The allowed claim(s) is/are 6,7,10,12-14,29,30,33,35-37 and 49-60.
3. The drawings filed on 08 November 1999 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Allowable Subject Matter

1. **Claims 6, 7, 10, 12, 13, 14, 29, 30, 33, 35-37, and 49-60 are allowed.**

Regarding Claim 6, the prior art neither teaches nor fairly suggests a first, second and third input means, a correcting means, and a synthesizing means, wherein the correcting means corrects the first image based on the photographing condition information of the first image and the second image, and the synthesizing means synthesizes the first image corrected by the correcting means and the second image, and wherein **the correcting means corrects gradation and hue of the first image** as claimed in Claim 6.

Regarding Claim 7, the prior art neither teaches nor fairly suggests a first, second and third input means, a correcting means, and a synthesizing means, wherein the correcting means corrects the first image based on the photographing condition information of the first image and the second image, and the synthesizing means synthesizes the first image corrected by the correcting means and the second image, further **comprising adjusting means for adjusting position and size of the first image to synthesize the adjusted first image**, as claimed in Claim 7.

Regarding Claim 10, the prior art neither teaches nor fairly suggests a first, second and third input means, a correcting means, and a synthesizing means, wherein the correcting means corrects the first image based on the photographing condition information of the first image and the second image, and the synthesizing means

synthesizes the first image corrected by the correcting means and the second image, wherein **the photographing condition information of the first image includes one of an exposure amount and a shutter speed, and a focus amount, a photographing magnification, a lighting light type, and an eye direction**, as claimed in Claim 10.

Regarding Claim 12, the prior art neither teaches nor fairly suggests a first, second and third input means, a correcting means, and a synthesizing means, wherein the correcting means corrects the first image based on the photographing condition information of the first image and the second image, and the synthesizing means synthesizes the first image corrected by the correcting means and the second image, wherein **the synthesizing means uses auxiliary data concerning shape and position of the first image to synthesize the first image and the second image**, as claimed in Claim 12.

Regarding Claim 14, the prior art neither teaches nor fairly suggests a first, second and third input means, a correcting means, and a synthesizing means, wherein the correcting means corrects the first image based on the photographing condition information of the first image and the second image, and the synthesizing means synthesizes the first image corrected by the correcting means and the second image, wherein **the correcting means corrects gradation and hue of the second image**, as claimed in Claim 14.

Claims 29, 30, 33, 35-37, 49-52, 54-58 and 60 are substantially similar to Claims discussed above.

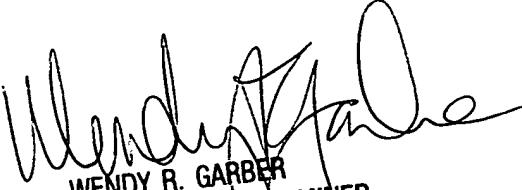
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (571) 272-7322. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW
05/13/05



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2500